

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAKINA ELLIS,

Plaintiff,

v.

DAVID KRUMP, *et al.*,

Defendants.

Case No. C21-1001RSM

ORDER REVOKING IN FORMA
PAUPERIS STATUS ON APPEAL

This matter comes before the Court on a referral from the Ninth Circuit to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #9. *Pro se* Plaintiff Sakina Ellis was granted leave to proceed IFP in this matter on July 28, 2021. Dkt. #3. On August 24, 2021, Plaintiff’s claims were dismissed. Dkt. #6. The case was closed. *Id.*

Where, as here, a party was permitted to proceed IFP in the District Court, the party may proceed on appeal in forma pauperis without further authorization unless the District Court certifies in writing that the appeal is not taken in good faith or that the party is not otherwise entitled to proceed IFP. Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”). An appeal is taken in “good faith” where it seeks review of at least one issue or claim that is found to be “non-frivolous.” *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th

1 Cir. 2002). An issue is “frivolous” where it “lacks an arguable basis either in law or in fact.”
2 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Legally frivolous claims are those “based on an
3 indisputably meritless legal theory,” such as claims against defendants who are immune from
4 suit or for infringement of a legal interest that clearly does not exist. *Id.* at 327.

5 Plaintiff’s claims were dismissed after careful review of her Complaint and after giving
6 her an opportunity to respond to an Order to Show Cause. The Court concluded, and continues
7 to conclude, that Plaintiff’s Complaint fails to connect any facts to the statutes allegedly
8 violated. The statement of claim section is blank, and the two notes attached to the Complaint
9 do not clarify how the facts presented in this case could constitute violations of the cited
10 statutes or causes of action. Plaintiff did not respond to the Order to Show Cause. The time for
11 filing an appeal based on the dismissal has long since expired. The Court believes that any
12 appeal in this case necessarily lacks an arguable basis in law or in fact.

13 This Court cannot find that Plaintiff’s appeal has been taken in good faith. The Court
14 maintains that, by its assessment of the Complaint, Plaintiff’s appeal is clearly frivolous.
15 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff’s in forma pauperis status
16 is REVOKED. The Court directs the clerk to provide a copy of this Order to the Ninth Circuit.

17 DATED this 24th day of October, 2023.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE